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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MARIA GUADALUPE DIAZ; A.D., a  
minor by and through his Guardian Ad  
Litem, MARIA GUADALUPE DIAZ;  
A.D., a minor by and through his  
Guardian Ad Litem, MARIA  
GUADALUPE DIAZ; LEONARDO  
DIAZ; and RAMONA RAMIREZ DE  
DIAZ,

Plaintiffs,

vs.

CITY OF TORRANCE; and DOES 1-10,  
inclusive,

Defendants.

Case No.

**COMPLAINT FOR DAMAGES**

1. Unreasonable Search and Seizure—  
Excessive Force (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—  
Denial of Medical Care (42 U.S.C.  
§ 1983)
3. Substantive Due Process (42 U.S.C.  
§ 1983)
4. Battery (Wrongful Death and  
Survival Damages)
5. Negligence (Wrongful Death and  
Survival Damages)
6. Violation of Bane Act (Cal. Civil  
Code § 52.1)

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR DAMAGES**

1. Plaintiffs MARIA GUADALUPE DIAZ; A.D., a minor by and through his  
Guardian Ad Litem, MARIA GUADALUPE DIAZ; A.D., a minor by and through  
his Guardian Ad Litem, MARIA GUADALUPE DIAZ; LEONARDO DIAZ; and

1 RAMONA RAMIREZ DE DIAZ, for their complaint against Defendants CITY OF  
2 TORRANCE, and Does 1-10, inclusive, allege as follows:

3 **INTRODUCTION**

4 2. This civil rights action seeks compensatory and punitive damages from  
5 Defendants for violating various rights under state law and the United States  
6 Constitution in connection with the fatal officer involved shooting of Leonardo  
7 Diaz (“DECEDENT”), by members of the Torrance Police Department (“TPD”).

8 **PARTIES**

9 3. At all relevant times, Leonardo Diaz (“DECEDENT”), was an individual  
10 residing in the County of Los Angeles, California.

11 4. Plaintiff MARIA GUADALUPE DIAZ is an individual residing in the  
12 County of Los Angeles, and was the wife of the DECEDENT. MARIA  
13 GUADALUPE DIAZ sues both in her individual capacity as the wife of  
14 DECEDENT and in a representative capacity as a successor-in-interest to  
15 DECEDENT. Plaintiff MARIA GUADALUPE DIAZ seeks both survival  
16 damages, including DECEDENT’s pain and suffering and loss of enjoyment of life  
17 and wrongful death damages under state and federal law.

18 5. Plaintiff A.D. is a minor individual residing in the County of Los Angeles,  
19 California, and is the natural born son to DECEDENT. A.D. sues by and through  
20 his natural mother and Guardian Ad Litem, MARIA GUADALUPE DIAZ. A.D.  
21 sues both in his individual capacity as the son of DECEDENT and in a  
22 representative capacity as a successor-in-interest to DECEDENT. A.D. seeks both  
23 survival and wrongful death damages under federal and state law.

24 6. Plaintiff A.D. is a minor individual residing in the County of Los Angeles,  
25 California, and is the natural born son to DECEDENT. A.D. sues by and through  
26 his natural mother and Guardian Ad Litem, MARIA GUADALUPE DIAZ. A.D.  
27 sues both in his individual capacity as the son of DECEDENT and in a  
28

1 representative capacity as a successor-in-interest to DECEDENT. A.D. seeks both  
2 survival and wrongful death damages under federal and state law.

3 7. Plaintiff LEONARDO DIAZ is an individual residing in the County of Los  
4 Angeles, California, and is the natural father to DECEDENT. LEONARDO DIAZ  
5 sues in his individual capacity as the father of DECEDENT. LEONARDO DIAZ  
6 seeks wrongful death damages under state and federal law.

7 8. Plaintiff RAMONA RAMIREZ DE DIAZ is an individual residing in Los  
8 Angeles County, Los Angeles, and is the natural mother to DECEDENT.  
9 RAMONA RAMIREZ DE DIAZ sues in her individual capacity as the mother of  
10 DECEDENT. RAMONA RAMIREZ DE DIAZ seeks wrongful death damages  
11 under state and federal law.

12 9. At all relevant times, Defendant CITY OF TORRANCE (“CITY”) is and  
13 was a duly organized public entity, form unknown, existing under the laws of the  
14 State of California. At all relevant times, CITY was the employer of Defendants  
15 DOES 1-4, who were CITY police officers, DOES 5-6, who were CITY police  
16 officers’ supervisory officers, and DOES 7-10, who were managerial,  
17 supervisory, and policymaking employees of the CITY’s police department. On  
18 information and belief, at all relevant times, DOES 1-10 were residents of the  
19 County of Los Angeles, California. DOES 1-10 are sued in their individual capacity  
20 for damages only.

21 10. At all relevant times, Defendants DOES 1-10 were duly authorized  
22 employees and agents of CITY, who were acting under color of law within the  
23 course and scope of their respective duties as sheriff’s deputies and with the  
24 complete authority and ratification of their principal, Defendant CITY.

25 11. At all relevant times, Defendants DOES 1-10 were duly appointed officers  
26 and/or employees or agents of CITY, subject to oversight and supervision by  
27 CITY’s elected and non-elected officials.  
28

1 12. In doing the acts and failing and omitting to act as hereinafter described,  
2 Defendants DOES 1-10 were acting on the implied and actual permission and  
3 consent of CITY.

4 13. At all times mentioned herein, each and every CITY defendant was the  
5 agent of each and every other CITY defendant and had the legal duty to oversee and  
6 supervise the hiring, conduct and employment of each and every CITY defendant.

7 14. The true names of defendants DOES 1 through 10, inclusive, are unknown  
8 to PLAINTIFFS, who therefore sue these defendants by such fictitious names.  
9 PLAINTIFFS will seek leave to amend this complaint to show the true names and  
10 capacities of these defendants when they have been ascertained. Each of the  
11 fictitious named defendants is responsible in some manner for the conduct and  
12 liabilities alleged herein.

13 15. On January 28, 2025, PLAINTIFFS served their claims for damages with  
14 CITY pursuant to applicable sections of the California Government Code.

15 16. On February 13, 2025, CITY rejected PLAINTIFFS' claims for damages.

16 **JURISDICTION AND VENUE**

17 17. This civil action is brought for the redress of alleged deprivations of  
18 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the  
19 Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction  
20 is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

21 18. Venue is proper in this Court under 28 U.S.C. § 1391(b), because  
22 Defendants reside in, and all incidents, events, and occurrences giving rise to this  
23 action occurred in, the County of Los Angeles, California.

24  
25 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

26 19. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
27 through 18 of this Complaint with the same force and effect as if fully set forth  
28 herein.

1       20. On December 2, 2024, DECEDENT was on the 2900 Block of Oregon  
2 Court, in Torrance. While at this location, the involved CITY police officers  
3 discharged their firearms at DECEDENT, striking him, causing serious physical  
4 injury and eventually killing him.

5       21. The involved officers saw that DECEDENT was injured and bleeding,  
6 including from the wrist, prior to the shooting DECEDENT. These injuries may  
7 have been self-inflicted and should have put the involved officers on notice that  
8 DECEDENT likely suffered from mental illness and was probably having a mental  
9 health crisis. It was obvious, or should have to an objectively reasonable officer,  
10 that DECEDENT that may have been experiencing a mental health crisis prior to  
11 the shooting.

12       22. DECEDENT had a flat head screwdriver at the time of the incident and he  
13 was not armed with a knife or gun, during the encounter with police. The  
14 screwdriver in Decedent's hand did not resemble a knife or a gun, and was, or  
15 should have been, easily distinguishable from a knife or a gun, especially since this  
16 incident happened in broad daylight. This screwdriver remained down by  
17 DECEDENT's side and DECEDENT never make any slashing or stabbing motions  
18 with the screwdriver. Further, DECEDENT never physically injured any other  
19 person with the screwdriver, nor did he attempt to do so.

20       23. The DECEDENT was walking at a slow pace at the time of the incident and  
21 he never ran or charged at the involved officers. Further, the officers were behind  
22 cover and were positioned out in the open with plenty of space to safely tactically  
23 reposition themselves if necessary.

24       24. Multiple officers fired their weapons at DECEDENT during the incident  
25 supporting that this was a contagious/sympathetic fire situation.

26       25. DECEDENT never attempted to attack or physically injure any of the  
27 involved officers or anyone else during the incident.  
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1       26. There were less than lethal alternatives to using deadly force against  
2 DECEDENT, especially since he only had a screwdriver and the involved officers  
3 greatly outnumbered DECEDENT. On information and belief, some of the  
4 involved officers were armed with less-than-lethal weapons such as the beanbag  
5 shotgun and/or the 40mm launcher, taser guns, pepper spray and could have  
6 maintained cover, distance from the DECEDENT and safely tactically  
7 repositioning themselves. DECEDENT was also significantly outnumbered by the  
8 involved officers and he did not physically injure anyone, including the involved  
9 officers, during the incident nor did he attempt to do so.

10       27. DECEDENT did not pose an immediate or imminent threat of death or  
11 serious physical injury to either the involved officers or any other person at the time  
12 of the shooting. DECEDENT was not about to kill or cause serious bodily injury to  
13 anyone when he was fatally shot by the involved officers and DECEDENT never  
14 attempted to disarm or grab any of the officers' weapons. The conduct of  
15 DECEDENT was not immediately life threatening, making the use of deadly force  
16 against him unnecessary.

17       28. On information and belief, after shooting DECEDENT, the involved  
18 officers waited for a significant amount of time before approaching DECEDENT  
19 and providing and/or summoning medical attention for DECEDENT, despite  
20 DECEDENT visibly bleeding profusely from his injuries. The involved officers  
21 did not provide timely medical care to DECEDENT, they did not timely summons  
22 medical assistance for DECEDENT, and/or they prevented medical assistance from  
23 being timely provided to DECEDENT.

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**FIRST CLAIM FOR RELIEF**

**Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

(By Plaintiffs Maria Guadalupe Diaz, A.D. and A.D. against Does 1-4)

29. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 28 of this Complaint with the same force and effect as if fully set forth herein.

30. The involved officers unjustified shooting deprived DECEDENT of his right to be secure in his persons against unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

31. The unreasonable use of force by involved officers deprived DECEDENT of his right to be secure in his person against unreasonable searches and seizures as guaranteed to him under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment. This unreasonable and excessive use of force includes fatally shooting an individual holding a flat-head screwdriver, who was already visibly injured and bleeding, including bleeding from the wrist from possibly self-inflicted wounds and displaying obvious signs of possibly suffering from a mental health crisis. There were also several less than lethal alternatives such as the bean bag shotgun or 40mm launcher, tasers and pepper spray, maintaining cover and distance from DECEDENT and tactically re-positioning themselves. DECEDENT was also significantly outnumbered by the involved police officers and some of the involved officers did not fire their guns, which further supports that a reasonable officer under similar circumstances would not have found it appropriate to use deadly force under against DECEDENT.

32. As a result, DECEDENT suffered extreme mental and physical pain and suffering, loss of enjoyment of life and eventually suffered a loss of life and of earning capacity. Plaintiffs have also been deprived of the life-long love,



1 companionship, comfort, support, society, care, and sustenance of DECEDENT, and  
2 will continue to be so deprived for the remainder of her natural life.

3 33. As a result of the conduct of the involved officers, they are liable for  
4 DECEDENT's injuries, either because they were integral participants in the  
5 excessive force, or because they failed to intervene to prevent these violations.

6 34. This use of deadly force was excessive and unreasonable under the  
7 circumstances, especially since DECEDENT was only holding a screwdriver, he  
8 never made any slashing or stabbing motions with the screwdriver, he never  
9 physically injured anyone, including with the screwdriver, nor did he attempt to do  
10 so, he did take or try to obtain any of the officers' guns and he did not pose an  
11 immediate threat of death or serious bodily injury at the time of the shooting.  
12 Defendants' actions thus deprived DECEDENT of his right to be free from  
13 unreasonable searches and seizures under the Fourth Amendment and applied to  
14 state actors by the Fourteenth Amendment.

15 35. The conduct of the involved officers was willful, wanton, malicious,  
16 and done with reckless disregard for the rights and safety of DECEDENT and  
17 therefore warrants the imposition of exemplary and punitive damages as to the  
18 involved officers.

19 36. Plaintiffs bring this claim as successor-in-interest to the DECEDENT,  
20 and seek both survival damages, including DECEDENT's pain and suffering and  
21 loss of life/enjoyment of life and wrongful death damages for the violation of  
22 DECEDENT's rights.

23 37. Plaintiffs also seek attorney fees under this claim.  
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**SECOND CLAIM FOR RELIEF**

**Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)**

(By Plaintiffs Maria Guadalupe Diaz, A.D. and A.D. against Does 1-4)

38. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 37 of this Complaint with the same force and effect as if fully set forth herein.

39. The denial of medical care by Defendant Does 1-4 deprived DECEDENT of his right to be secure in his person against unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

40. As a result, DECEDENT suffered extreme mental and physical pain and suffering and eventually suffered a loss of life and earning capacity. Plaintiffs have also been deprived of the life-long love, companionship, comfort, support, society, care, and sustenance of DECEDENT, and will continue to be so deprived for the remainder of their natural lives. Plaintiffs are also claiming funeral and burial expenses and a loss of financial support.

41. Defendant Does 1-4 knew that failure to provide timely medical treatment to DECEDENT could result in further significant injury or the unnecessary and wanton infliction of pain, but disregarded that serious medical need, causing DECEDENT great bodily harm and death.

42. After shooting DECEDENT multiple times, DOES 1-4 did not timely summons medical attention for DECEDENT, who was bleeding profusely and had obvious serious injuries, and DOES 1-4 also did not allow and prevented responding medical personnel on-scene to timely render medical aid/assistance to DECEDENT.

43. The conduct of Does 1-4 was willful, wanton, malicious, and done with reckless disregard for the rights and safety of DECEDENT and therefore warrants the imposition of exemplary and punitive damages as to Defendant Does 1-4.

1        44. Plaintiffs bring this claim as a successors-in-interest to DECEDENT,  
2 and seek both survival and wrongful death damages for the violation of  
3 DECEDENT's rights.

4        45. Plaintiffs also seek attorney's fees under this claim.

5                                    **THIRD CLAIM FOR RELIEF**

6                                    **Substantive Due Process (42 U.S.C. § 1983)**

7                                    (By All Plaintiffs Against Defendant DOES 1-4)

8        46. Plaintiffs repeat and reallege each and every allegation in  
9 paragraphs 1 through 44 of this Complaint with the same force and effect as if fully  
10 set forth herein.

11        47. MARIA GUADALUPE DIAZ and had a cognizable interest under the  
12 Due Process Clause of the Fourteenth Amendment of the United States Constitution  
13 to be free from state actions that deprive her of life, liberty, or property in such a  
14 manner as to shock the conscience, including but not limited to, unwarranted state  
15 interference in Plaintiff's familial relationship with her husband, DECEDENT.

16        48. A.D. had a cognizable interest under the Due Process Clause of the  
17 Fourteenth Amendment of the United States Constitution to be free from state  
18 actions that deprive him of life, liberty, or property in such a manner as to shock the  
19 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
20 familial relationship with his father, DECEDENT.

21        49. A.D. had a cognizable interest under the Due Process Clause of the  
22 Fourteenth Amendment of the United States Constitution to be free from state  
23 actions that deprive him of life, liberty, or property in such a manner as to shock the  
24 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
25 familial relationship with his father, DECEDENT.

26        50. LEONARDO DIAZ had a cognizable interest under the Due Process  
27 Clause of the Fourteenth Amendment of the United States Constitution to be free  
28 from state actions that deprive him of life, liberty, or property in such a manner as to

1 shock the conscience, including but not limited to, unwarranted state interference in  
2 Plaintiff's familial relationship with his son, DECEDENT.

3 51. RAMONA RAMIREZ DE DIAZ had a cognizable interest under the  
4 Due Process Clause of the Fourteenth Amendment of the United States Constitution  
5 to be free from state actions that deprive her of life, liberty, or property in such a  
6 manner as to shock the conscience, including but not limited to, unwarranted state  
7 interference in Plaintiff's familial relationship with her son, DECEDENT.

8 52. As a result of the excessive force by DOES 1-4, and their failure to  
9 intervene, DECEDENT died. Plaintiffs MARIA GUADALUPE DIAZ; A.D., A.D.,  
10 LEONARDO DIAZ and RAMONA RAMIREZ DE DIAZ were thereby deprived of  
11 their constitutional right of familial relationship with DECEDENT.

12 53. Does 1-4, acting under color of state law, thus violated the Fourteenth  
13 Amendment rights of MARIA GUADALUPE DIAZ; A.D., A.D., LEONARDO  
14 DIAZ and RAMONA RAMIREZ DE DIAZ to be free from unwarranted  
15 interference with their familial relationship with DECEDENT.

16 54. The aforementioned actions of DOES 1-4, along with other  
17 undiscovered conduct, shock the conscience, in that they acted with deliberate  
18 indifference to the constitutional rights of DECEDENT and Plaintiffs MARIA  
19 GUADALUPE DIAZ; A.D., A.D., LEONARDO DIAZ and RAMONA RAMIREZ  
20 DE DIAZ and with purpose to harm unrelated to any legitimate law enforcement  
21 objective.

22 55. Defendants DOES 1-4, acting under color of state law, thus violated the  
23 Fourteenth Amendment rights of DECEDENT and Plaintiffs.

24 56. As a direct and proximate cause of the acts of DOES 1-4, DECEDENT  
25 experienced severe pain and suffering and lost his life and earning capacity.  
26 Plaintiffs suffered extreme and severe mental anguish and pain and have been  
27 injured in mind and body. Plaintiffs have also been deprived of the life-long love,  
28 companionship, comfort, support, society, care and sustenance of DECEDENT, and

1 will continue to be so deprived for the remainder of their natural lives. Plaintiffs are  
2 also claiming funeral and burial expenses.

3 57. As a result of the conduct of Does 1-4, they are liable for  
4 DECEDENT'S injuries, either because they were integral participants in the denial  
5 of due process, or because they failed to intervene to prevent these violations.

6 58. The conduct of DOES 1-4 was willful, wanton, malicious, and done  
7 with reckless disregard for the rights and safety of DECEDENT and Plaintiffs and  
8 therefore warrants the imposition of exemplary and punitive damages as to  
9 Defendant DOES 1-4.

10 59. Plaintiffs brings this claim individually and seek wrongful death  
11 damages for the violation of Plaintiffs' rights.

12 60. Plaintiffs also seek attorney fees under this claim.

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14 **FOURTH CLAIM FOR RELIEF**

15 **Battery (Cal. Govt. Code § 820)**

16 (Survival and Wrongful Death)

17 (By All Plaintiffs Against Defendants DOES 1-4 and CITY)

18 61. Plaintiffs repeat and realleges each and every allegation in  
19 paragraphs 1 through 60 of this Complaint with the same force and effect as if fully  
20 set forth herein.

21 62. DOES 1-4, while working as police officers for the CITY's police  
22 department, and while acting within the course and scope of their duties,  
23 intentionally shot DECEDENT. As a result of the actions of DOES 1-4,  
24 DECEDENT suffered severe pain and suffering and ultimately died from his  
25 injuries and lost earning capacity. DOES 1-4 had no legal justification for using  
26 force against DECEDENT and said defendants' use of force while carrying out their  
27 police officer duties was an unreasonable use of force. DECEDENT was walking at  
28 a slow pace during the incident, he never ran or charged at the involved officers,  
DECEDENT was already injured and appeared to be suffering from self-inflicted

1 wounds, including bleeding from the wrist, when police encountered DECEDENT,  
2 and the involved officers saw DECEDENT displaying obvious signs of suffering  
3 from a possible mental health crisis prior to the shooting. Further, DECEDENT  
4 never physically injured another person during the incident, nor did he attempt to do  
5 so, and there were several less than lethal alternatives to using deadly force against  
6 DECEDENT.

7       63. As a direct and proximate result of Defendants' conduct as alleged  
8 above, Plaintiffs suffered extreme and severe mental anguish and pain and have  
9 been injured in mind and body. Plaintiffs also have been deprived of the life-long  
10 love, companionship, comfort, support, society, care and sustenance of the  
11 DECEDENT, and will continue to be so deprived for the remainder of their natural  
12 lives. Plaintiffs are also claiming funeral and burial expenses and loss of financial  
13 support.

14       64. CITY is vicariously liable for the wrongful acts of DOES 1-4 pursuant  
15 to section 815.2(a) of the California Government Code, which provides that a public  
16 entity is liable for the injuries caused by its employees within the scope of the  
17 employment if the employee's act would subject him or her to liability.

18       65. The conduct of DOES 1-4 was malicious, wanton, oppressive, and  
19 accomplished with a conscious disregard for the rights of Plaintiffs and  
20 DECEDENT, entitling Plaintiffs, individually and as successors-in-interest to  
21 DECEDENT, to an award of exemplary and punitive damages.

22       66. Plaintiffs bring this claim both individually and as a successors-in-  
23 interest to DECEDENT, and seek both survival damages, including pre-death pain  
24 and suffering, loss of life/enjoyment of life and wrongful death damages under this  
25 claim.

**FIFTH CLAIM FOR RELIEF**  
**Negligence (Cal. Govt. Code § 820)**  
(Survival and Wrongful Death)  
(By All Plaintiffs Against All Defendants)

67. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 59 of this Complaint with the same force and effect as if fully set forth herein.

68. The actions and inactions of the Defendants were negligent and reckless, including but not limited to:

- (a) the failure to properly and adequately assess the need to detain, arrest, and use force or deadly force against DECEDENT;
- (b) the negligent tactics and handling of the situation with DECEDENT, including pre-shooting negligence;
- (c) the negligent detention, arrest, and use of force, including deadly force, against DECEDENT;
- (d) the failure to recognize that DECEDENT was possibly suffering from a mental health crisis;
- (d) failure to recognize that DECEDENT was holding a flathead screwdriver and not a weapon such as a knife or a gun;
- (e) the failure to use less than lethal alternatives to deadly force that were readily available to the involved officers;
- (e) the failure to summons and provide prompt medical care to Decedent;
- (f) the failure to properly train and supervise employees, both professional and non-professional, including DOES 1-4;
- (g) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of DECEDENT; and

1 (h) the negligent handling of evidence and witnesses.

2 69. As a direct and proximate result of Defendants' conduct as alleged  
3 above, and other undiscovered negligent conduct, DECEDENT was caused to suffer  
4 severe pain and suffering and ultimately died and lost earning capacity. Further, as  
5 a direct and proximate result of Defendants' conduct as alleged above, Plaintiffs  
6 suffered extreme and severe mental anguish and pain and have been injured in mind  
7 and body. Plaintiffs also have been deprived of the life-long love, companionship,  
8 comfort, support, society, care and sustenance of DECEDENT, and will continue to  
9 be so deprived for the remainder of their natural lives. Plaintiffs also is claiming  
10 funeral and burial expenses and loss of financial support.

11 70. CITY is vicariously liable for the wrongful acts of DOES 1-4 pursuant  
12 to section 815.2 of the California Government Code, which provides that a public  
13 entity is liable for the injuries caused by its employees within the scope of the  
14 employment if the employee's act would subject him or her to liability.

15 71. Plaintiffs bring this claim both individually and as successor in interest  
16 to DECEDENT and seek both wrongful death damages and survival damages under  
17 this claim, including pre-death pain and suffering.

## 18 **SIXTH CLAIM FOR RELIEF**

### 19 **Violation of Bane Act (Cal. Civil Code § 52.1)**

20 (By All Plaintiffs Against Does 1-4 and City)

21 72. PlaintiffS repeat and reallege each and every allegation in paragraphs 1  
22 through 64 of this Complaint with the same force and effect as if fully set forth  
23 herein.  
24

25 73. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
26 person from interfering with another person's exercise or enjoyment of his  
27 constitutional rights by threats, intimidation, or coercion.  
28



1           74. Conduct that violates the Fourth Amendment can also amount to  
2 conduct that violates the California Bane Act. The involved officers' conduct,  
3 including the use of deadly force, constitutes threatening and intimidating behavior,  
4 meant to prevent DECEDENT from exercising both her federal and state rights.

5           75. Defendant DOES 1-4 use of deadly force was excessive and  
6 unreasonable under the circumstances, especially since DECEDENT was only  
7 holding a flathead screwdriver and was not armed with a weapon like a knife or a  
8 gun and was walking at a slow pace and never ran or charged at the involved  
9 officers. DECEDENT also never made any slashing or stabbing motions with the  
10 screwdriver nor did he try to injury any other person with the screwdriver. Further,  
11 DECEDENT never caused or attempted to cause bodily harm to anyone else,  
12 including the involved officers during the incident and he never attempted to obtain  
13 any of the involved officers' equipment or guns. Further, DECEDENT did not pose  
14 an imminent threat of death or serious bodily injury towards anyone when he was  
15 fatally shot and there were less than lethal alternatives available which were not  
16 utilized before resorting to the use of deadly force. DECEDENT was also  
17 displaying obvious signs of suffering from a mental health crisis, including bleeding  
18 from what appeared to be self-inflicted wounds to his wrist, Defendants' actions  
19 thus deprived DECEDENT of his right to be free from unreasonable searches and  
20 seizures and to be free from having unreasonable and excessive force used against  
21 him. Defendants' actions violated DECEDENT's state and federal rights, including  
22 the right to be free from the use of excessive and unreasonable force. Further, the  
23 involved officers acted with a reckless disregard of constitutional and statutory  
24 rights of the DECEDENT, including the right to be free from having unreasonable  
25 and excessive deadly force used against him.

26           76. The involved officers intentionally used excessive and unreasonable  
27 deadly force against DECEDENT by recklessly disregarding the DECEDENT's  
28 right to be free from excessive force.

1        77. DOES 1-4, while working as police officers for the CITY's police  
2 department, and acting within the course and scope of their duties, interfered with or  
3 attempted to interfere with the rights of DECEDENT to be free from unreasonable  
4 searches and seizures, to equal protection of the laws, to access to the courts, and to  
5 be free from state actions that shock the conscience, by threatening or committing  
6 acts involving violence, threats, coercion, or intimidation.

7        78. On information and belief, DECEDENT reasonably believed that if he  
8 exercised his rights, including his federal civil rights and state law rights, DOES 1-4  
9 would commit acts involving violence, threats, coercion, or intimidation against  
10 him.

11        79. On information and belief Defendant DOES 1-4 injured DECEDENT  
12 to prevent him from exercising his rights or retaliated against Decedent for having  
13 exercised his rights.

14        80. DECEDENT was caused to suffer extreme pain and suffering and  
15 eventually suffered a loss of life and of earning capacity. Plaintiffs have also been  
16 deprived of the life-long love, companionship, comfort, support, society, care, and  
17 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
18 her natural life. Plaintiffs are also claiming funeral and burial expenses and a loss of  
19 financial support.

20        81. The conduct of DOES 1-4 was a substantial factor in causing the  
21 harms, losses, injuries, and damages of DECEDENT and Plaintiffs.

22        82. CITY is vicariously liable for the wrongful acts of DOES 1-4 pursuant  
23 to section 815.2(a) of the California Government Code, which provides that a public  
24 entity is liable for the injuries caused by its employees within the scope of the  
25 employment if the employee's act would subject him or her to liability.

26        83. The conduct of DOES 1-4 was malicious, wanton, oppressive, and  
27 accomplished with a conscious disregard for the rights of DECEDENT entitling  
28 Plaintiffs to an award of exemplary and punitive damages.

1           84. Plaintiffs bring this claim in a representative capacity as the successors-  
2 in-interest to DECEDENT, and seek survival damages, including for pre-death pain  
3 and suffering and loss of life/enjoyment of life for the violation of DECEDENT's  
4 rights.

5           85. The Plaintiffs also seek statutory attorney's fees under this claim,  
6 including a multiplier as permitted by law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request entry of judgment in her favor and against Defendants City of Torrance and Does 1-10, inclusive, as follows:

- A. For compensatory damages, including both survival damages, including pain and suffering and loss of life/enjoyment of life and wrongful death damages under state law and federal law, in the amount to be proven at trial;
- B. For funeral and burial expenses and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For interest;
- E. For treble damages under Civil Code Section 52.1.
- F. For reasonable costs of this suit and attorneys' fees; and
- G. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: April 16, 2024

LAW OFFICES OF DALE K. GALIPO

By /s/ Eric Valenzuela

Dale K. Galipo

Eric Valenzuela

Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury.

DATED: April 17, 2024

LAW OFFICES OF DALE K. GALIPO

By /s/ Eric Valenzuela

Dale K. Galipo

Eric Valenzuela

Attorneys for Plaintiffs